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Robert W. Seiden
Court-Appointed Fund Distribution Administrator
Pursuant to the Order of The Honorable Judge
Pamela K. Chen of the United States District Court,
Eastern District of New York

July 9, 2025

VIA ECF

Hon. Pamela K. Chen
Courtroom 4F
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Securities and Exchange Commission v. Richard Xia, a/k/a Yi Xia et. al.
21-cv-05350-PKC-JAM
Letter Motion for Status Conference Concerning Defendants'
Noncompliance with the Court's Orders Regarding Missing Contact Details**

Dear Judge Chen:

I write to update the Court and request a status conference to address Defendants Richard Xia ("**Xia**") and Fleet New York Metropolitan Regional Center's ("**Fleet**," and together with Xia, the "**Defendants**") flagrant refusal to comply with the Court's prior orders concerning missing investor contact information. Specifically, Defendants have not complied with (1) the Court's April 2, 2025 Text Order, which granted the Distribution Administrator's request (ECF 568) and directed Defendants to produce contact information and/or documents sufficient to show, for each of the 142 EB-5 investors with missing contact information, their mailing address, email address, phone number, WeChat account number, and contact information for their immigration counsel (the "**Production Order**"); and (2) the Court's May 19, 2025 Text Order, which granted the Distribution Administrator's motion to compel (ECF 593) and again ordered Defendants to produce all available contact information for EB-5 Investors, including details of any individuals who could assist in locating such information, such as WeChat group administrators by May 23, 2025 (the "**Compel Order**").

As detailed below, Defendants have refused to comply with both the Production Order and the Compel Order, and have not offered any reasonable explanation as to why they are unable to produce the requested documents or information.

Immediately after the Court's issuance of its Compel Order, on May 20, 2025, Mr. Qitao Wu ("**Mr. Wu**") of Defendants' counsel contacted my office regarding compliance with Your Honor's Compel Order and the potential production of responsive documents. That same day, Mr. Wu sent an email attaching a contact list he had received from Mr. Xia and a screenshot of a WeChat invitation code for the investors' WeChat group. *See Exhibit 1.*

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On May 23, 2025, my office responded to Mr. Wu, confirming that the number of investors with missing contact information had been reduced to 84.¹ We also provided Mr. Wu with the updated list of those investors and requested that Defendants produce the *Limited Partnership Agreements* and *Subscriber Suitability Questionnaires* executed by them, as these documents contain the investor's contact information. Additionally, we informed Mr. Wu that a member of the Distribution Administrator's team had attempted to join the investor WeChat group but could not do so because Mr. Xia, who appears to be the group's organizer, had not accepted our team member's friend request. We requested that Mr. Xia accept the request so our team member could be added to the group. *See id.*

On June 5, 2025, my office followed up with Defendants' counsel regarding the status of production and again requested that Mr. Xia accept the WeChat friend request. On the same day, Mr. Wu responded, stating "[d]uly noted" and that they "[would] reach out to Xia with respect to [the Distribution Administrator's] request and request [for] documents." *See id.*

On June 12, 2025, my office again followed up regarding the status of Defendants' production and Xia's acceptance of the WeChat friend request. Mr. Wu responded in similar terms, stating that Defendants' counsel "would reach out to Xia regarding the request." *See id.*

Having received no further production from Defendants and with Mr. Xia still not accepting our WeChat friend request, my office sent another follow-up to Defendants' counsel on June 24, 2025, which received no response. *See id.*

On July 7, 2025, my office reached out for the *fourth time* to inquire about the status of the outstanding document requests. Later that same day, Mr. Wu responded that they "will ask [their] client for the requested information again" and that they "have not received an update from [their clients]." *See id.*

In Your Honor's Compel Order, the Court explicitly warned Defendants that "failure to comply with the Court's Order may result in a finding of contempt and the imposition of sanctions." Nevertheless, Defendants have failed to comply with both the Production Order and the Compel Order. Most egregiously, Defendant Xia has ignored the Distribution Administrator team member's WeChat friend request—despite WeChat being a mobile application that Xia uses daily—thereby obstructing the Administrator's access to the investor WeChat group, a critical forum for gathering contact information for the investors with missing contact information.

Accordingly, the Distribution Administrator respectfully requests that the Court issue an Order scheduling a status conference, at which Defendant Xia be required to appear, to address Defendants' ongoing noncompliance with the Court's Production Order and Compel Order and for

¹ As a result of the continued efforts of the Distribution Administrator's team, the number of EB-5 Investors without contact information has now been reduced to 59. A true and accurate copy of the updated list of these investors is attached hereto as **Exhibit 2**.

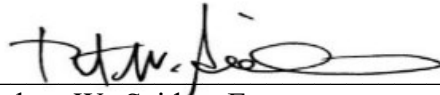
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the Court to consider what additional steps should be taken to ensure Defendants' immediate compliance with the Court's Orders or face the prospect of contempt and/or monetary sanctions.

Respectfully,



Robert W. Seiden, Esq.

The Court-Appointed Fund Distribution
Administrator